

Effective Date: Date of Issuance\*

Expiration Date: June 30, 1986

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM



38031

7383

In compliance with the provisions of the Clean Water Act, as amended  
(33 U.S.C. 1251 et. seq.) (hereinafter referred to as "the Act"),

the Noranda Mining, Incorporated - Ontario Project,

is authorized by the United States Environmental Protection Agency,

to discharge from a facility located at Keetley Station, Utah,

to Drain Tunnel Creek, a tributary of the Provo River

in accordance with effluent limitations, monitoring  
conditions set forth in Parts I, II, and III,

*Jack W. Hoffbuhr*

Authorized Permitting Official

Jack W. Hoffbuhr, P.E.

Acting Director

Water Management Division

Title

\*Thirty (30) days after the date of receipt of

Final Permit  
(CONSULT POSTMASTER FOR FEES)

<b>SENDER:</b> Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.								
1. The following service is requested (check one.) <input checked="" type="checkbox"/> Show to whom and date delivered..... <input type="checkbox"/> Show to whom, date and address of delivery..... <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered..... <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery.....								
2. ARTICLE ADDRESSED TO: Mr. J. Rutherford Project Manager, Noranda Mining, Inc. P.O. Box 1450 Park City, Utah 84060								
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td>944 586</td> <td></td> </tr> </table> (Always obtain signature of addressee or agent)			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		944 586	
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I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent								
4. DATE OF DELIVERY <i>4/16/82</i>								
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6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS <i>[Signature]</i>						

## A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning immediately, and lasting through June 30, 1986, the permittee is authorized to discharge from outfall serial number 001.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Concentration</u> <u>Daily Avg</u> <u>mg/l</u>	<u>Daily Max</u> <u>mg/l</u>	<u>Measurement</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>
Flow, m <sup>3</sup> /Day (MGD)	N/A	N/A	Continuous	1/
Total Suspended Solids	20	30	Weekly	Composite
Total Lead	0.2	0.4	Weekly	Composite
Dissolved Lead	N/A	0.05	Weekly	Composite
Total Zinc	0.5	1.0 <u>2/</u>	Weekly	Composite
Total Copper	0.15	0.3 <u>2/</u>	Monthly	Composite
Mercury	0.001	0.002	Monthly	Composite
Cyanide	N/A	N/A	Monthly	Composite
Total Manganese	N/A	N/A	Monthly	Composite
Total Dissolved Solids	N/A	N/A	Monthly	Composite

There shall be no sanitary wastes included in this discharge.

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units and shall be monitored monthly by a grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: At the point of discharge from Ontario Drain Tunnel #2, after the final treatment pond.

Oil and Grease shall not exceed 10 mg/l in any grab sample and there shall be no visible sheen. The discharge shall be visually examined weekly for the presence of Oil and Grease.

1/ Weir, flume, or other comparably accurate measuring technique.

2/ See Part III, E., page 11 of 11.

## B. MONITORING AND REPORTING

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.
2. Monitoring results obtained during the previous month shall be summarized for each discharge for the month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on June 28, 1982. Duplicate signed copies of these, and all other reports required herein, (as required by Part II, A.9.) shall be submitted to the Regional Administrator and the Director of the State of Utah Water Pollution Agency at the following addresses:

U.S. Environmental Protection Agency  
Suite 103, 1860 Lincoln Street  
Denver, Colorado 80295  
Attention: Water Management Division  
Compliance Branch

Utah Department of Health  
Division of Environmental Health  
Bureau of Water Pollution Control  
P.O. Box 2500  
Salt Lake City, Utah 84110

## 3. Definitions

- a. The "daily average" means the arithmetic average of all the daily determinations made during a calendar month. Daily determinations made using a composite sample shall be the value of the composite sample. When grab samples are used, the daily determination shall be the arithmetic average of all the samples collected during the calendar day. Daily determinations of mass shall be determined by the daily determination of concentration multiplied by the volume of discharge for that day.
- b. The "daily maximum" concentration means the daily determination of concentration for any calendar day.
- c. Measurement of flow shall be performed by a direct flow measurement technique such as a flow meter, weir, or gauge.
- d. A "composite sample" shall consist of at least three grab samples taken in a manner which is representative of the discharge.

B. MONITORING AND REPORTING (Continued)

4. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Act, under which such procedures may be required.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques or methods used; and,
- e. The results of all required analyses.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1). Such increased frequency shall also be indicated.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer, if requested by the Regional Administrator or the State of Utah water pollution control agency.

## A. MANGEMENT REQUIREMENTS

## 1. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

## 2. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Regional Administrator and the State of Utah with the following information, in writing, within five (5) days of learning or being advised of such condition:

- a. A description of the discharge and cause of noncompliance; and,
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge. This written submission shall not be considered as excusing or justifying the failure to comply with the effluent limitations.

## 3. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

A. MANAGEMENT REQUIREMENTS (Continued)

4. Facilities Operation

- a. The permittee shall at all times maintain in good working order and operate as efficiently as possible, all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.
- b. Dilution water shall not be added to comply with effluent requirements.

5. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass Not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c and d of this Section.

c. Notice

(1) Anticipated Bypass

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

(2) Unanticipated Bypass

The permittee shall submit notice of an unanticipated bypass as required in Part II, A.2.

A. MANAGEMENT REQUIREMENTS (Continued)

5. Bypass of Treatment Facilities (Continued)

d. Prohibition of Bypass

- (1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
  - (c) The permittee submitted notices as required under paragraph c of this Section.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph d.(1) of this Section.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the United States.

7. Power Failures

No later than 30 days after the effective date of this permit, the permittee shall certify in writing to the permit issuing authority either that:

- a. An alternative mechanical or electrical power source sufficient to operate essential facilities utilized by the permittee to maintain compliance with the terms and conditions of the permit has been or will be installed or,
- b. Upon reduction, loss or failure of one or more of the primary sources of electrical power to essential facilities utilized by the permittee to maintain compliance with the terms and conditions of this permit, the permittee shall halt, reduce, or otherwise control production and/or all discharges in order to maintain compliance with the terms and conditions of this permit.

A. MANAGEMENT REQUIREMENTS (Continued)

8. Signature Requirements

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by a principal official or by a duly authorized representative of that person. Signatory regulations are established in 40 CFR 122.6.

B. RESPONSIBILITIES

1. Right of Entry

The permittee shall allow the head of the State of Utah water pollution control agency, the Regional Administrator, and/or their authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit; and,
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Administrator and the State of Utah water pollution control agency.

## B. RESPONSIBILITIES (Continued)

## 3. Availability of Reports

Except for data determined to be confidential under Section 308 of the Act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator and the State of Utah water pollution control agency. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act.

## 4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or,
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

## 5. Toxic Pollutants

Notwithstanding Part II, B.4. above, if a toxic effluent standard or prohibition (including any Schedule of Compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

## 6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part II, A.5.) and "Power Failures" (Part II, A.7.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

B. RESPONSIBILITIES (Continued)

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulations under authority preserved by Section 510 of the Act.

9. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

11. Reapplication

If the permittee desires to continue to discharge, he shall reapply at least one hundred eighty (180) days before this permit expires using the application forms then in use. The permittee should also reapply if he desires to maintain a permit, even though there was not a discharge from the treatment facilities during the duration of this permit.

## OTHER REQUIREMENTS

## A. Prohibitions

There shall be no point source discharge of pollutants into Silver Creek or its tributaries resulting from the permittee's operation.

## B. Additional Monitoring

The permittee shall monitor Silver Creek, the diversion ditch, and the monitoring wells located in the vicinity below the tailings disposition site monthly for the following parameters: Total Dissolved Solids, Lead, Manganese, Mercury, and Cyanide. Grab samples will be sufficient. The monitoring reports shall be submitted quarterly and need only be submitted to the Utah Department of Health at the address specified in Part I, B.2.

## C. Contamination Control

The permittee shall comply with Best Management Practices when they are implemented for Mountainlands 208 planning area.

## D. Reactivation Notification

The permittee shall notify EPA and the State of Utah of the planned resumption of active operations prior to the production of ore and/or the operation of the mill. After the notice of active operations, the permit issuing authority will review the permit limitations in the context of BAT for metal mine drainage and current State standards, and will modify the permit as necessary.

## E. Special Requirements

Federal law provides that any more stringent or additional limitations or conditions established pursuant to State law must be met by the permittee. The following limitations and monitoring requirements are state requirements included pursuant to Section 401(d) of the Act.

The permittee is required to conduct a monitoring program to determine compliance with water quality standards for dissolved copper and dissolved zinc. Analyses of the discharge and background levels of the Provo River taken at least monthly are to be summarized in report form and submitted to the EPA and the State Bureau of Water Pollution Control by December 31, 1982. The report should include an evaluation of the final concentrations in the Provo River taking into account available dilution flow in the Provo River. Should the results of the monitoring program and evaluation indicate that water quality standards are being violated, the permit may be modified at that time to include a compliance schedule and appropriate measures to insure compliance with the standards by July 1, 1983.